

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CE11882JEM
I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a))]. on: <u>March 10, 2008</u> Signature <u>/Silvana Wiltshire/</u> <u>Silvana Wiltshire</u> Typed or printed name	Application Number 10/750,593 First Named Inventor Joseph Patino Art Unit 2838	Filed December 31, 2003 Examiner Boateng, Alexis Asiedua
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>45,834</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____</p> </div> <div style="width: 45%; text-align: center;"> <p><u>/Larry G. Brown/</u> Signature</p> <p><u>Larry G. Brown</u> Typed or printed name</p> <p><u>(954) 723-6449</u> Telephone number</p> <p><u>March 10, 2008</u> Date</p> </div> </div> <p>NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p>		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

(SB/33 (07-05))

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Joseph Patino GROUP ART UNIT: 2838
 APPLN. NO.: 10/750,593 EXAMINER: Boateng, Alexis
 Asiedua
 FILED: December 31, 2003 Confirmation No. 8591
 TITLE: METHOD AND SYSTEM FOR WIRELESS CHARGING

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence is being electronically transmitted on the date listed below:	
Date:	March 10, 2008
Signature	/Silvana Wiltshire/
Typed or printed name:	Silvana Wiltshire

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: **AF**
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Office Action of November 1, 2007 relating to the above-identified application in furtherance of the Notice of Appeal filed on March 10, 2008.

Concurrent with this submission, Applicants are paying the requisite fee for a two-month Extension of Time.

Claims 1-5, 7-14, and 16-20 remain pending in the application. The most recent copy of the claims can be found in Applicants' amendment of August 13, 2007. In the Final Office Action, claims 1-4, 6, 10-12, and 19 were rejected under

35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,040,680 to Toya et al. (Toya). Claims 4-5, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toya in view of U.S. Patent Publication No. 2002/0175658 to Watts et al. (Watts). Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Toya in view of U.S. Patent No. 5,600,225 to Goto et al. (Goto). Claims 7-8, 16, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toya in view of U.S. Patent No. 6,320,354 to Sengupta et al. (Sengupta). Claims 9 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,057,668 to Chao et al. (Chao) in view of Sengupta. Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sengupta in view of Toya.

Independent Claims 1, 10, and 19

Independent claim 1 recites a first charging circuit that is included in a battery, a second charging circuit that is included in an electronic device, and the step of disabling the second charging circuit. Independent claims 10 and 19 recite similar subject matter. Applicants submit that Toya does not disclose such a feature.

The Examiner stated that Toya discloses supplying a charging current to a battery through a first charging circuit, and clearly identifies the control circuit **120** in FIG. 2 of Toya as the first charging circuit (see page 2 of the Office Action of November 1, 2007). The Examiner further stated that Toya discloses the step of disabling a second charging circuit, and identifies the *same* control circuit **120** as the second charging circuit (see page 2 of the Office Action of November 1, 2007).

In contrast, the first and second charging circuits in Applicants' claims are clearly distinct. Toya never describes a distinct second charging circuit or the disabling of such a second charging circuit.

Even if one were to accept the Examiner's proposed interpretation, the so-called second charging circuit of Toya is not contained within an electronic device that receives power from a battery. Toya never mentions anything about a charging circuit being in the portable device (102) that receives power from the battery pack (102). One skilled in the art would certainly appreciate that an electronic device and a battery that powers the electronic device are distinct components. In fact, Toya refers to the battery pack (102) as attached to a portable electronic device (103), i.e., is does not describe the device (103) as including the battery pack (102) (see col. 4, lines 57-62), and one skilled in the art would interpret such an arrangement as distinct components.

Independent Claims 9 and 18

Independent claim 9 recites toggling an input/output line between high, release, and low states, in which the release state is a value between the high and low states. Independent claim 18 recites similar subject matter. These claims were rejected under 103(a) as being unpatentable over Chao in view of Sengupta.

The Examiner acknowledges that Chao does not disclose the step of toggling between high, release, and low states (see page 6 of the Office Action of November 1, 2007). Applicants assert that Sengupta does not disclose that step, either. The switching element **412** in Sengupta may be switched between two states - a *conducting state*, during which recharge current is allowed to flow, and a

non-conducting state, during which substantially no current is allowed to flow (see col. 3, line 65 – col. 4, line 4). In the various scenarios described in Sengupta, the switching element **412** is either in the conducting state (col. 4, lines 23-27; col. 5, lines 45-51; col. 5, lines 54-57; and col. 6, lines 46-49) or in the non-conducting state (col. 4, lines 27-31; and col. 6, lines 20-26). However, Sengupta never mentions or suggests operation of the switching element **412** in a third release state, as claimed by Applicants. The passage in Sengupta (col. 5, lines 52-65) on which the Examiner relies to support the rejection (see claim 9 and 18 discussion on page 8 of the Office Action of November 1, 2007) merely describes monitoring a battery voltage during the conducting state, one of only two states described in this reference.

Conclusion

In view of the above, Applicants contend that the claims are patentable over the cited prior art references. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: March 10, 2008

By: /Larry G. Brown/

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